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Written statement* submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Freedom of opinion and expression in Jammu and Kashmir

It is universally recognized that freedom of opinion and expression is at the core of the philosophy of the promotion and protection of human rights. This freedom enables the human beings to form their opinions and express themselves on variety of issues concerning their lives. In a modern civilized world , democracy has been recognized as the nucleus to promote and protect the right of freedom of opinion and expression. Thus, the strengthening of a democratic order and freedom of opinion and expression supplement and compliment each other.

The challenges to the right of freedom of opinion and expression emanate from diverse sources. The new challenge which is emerging as a menacing threat to the fundamental human right to freedom of opinion and expression is being posed by the non-state actors. This challenge is particularly coming from the militant groups promoting fundamentalist religious ideologies in different parts of the world. These groups in their quest to establish theocratic religious order are opposed to democracy and secular etrhos. In this quest they threaten the people and political parties and coerce them to abstain from participating in the political process. Many a political leader and political activists have been assassinated by these outfits in different parts of the world. In their reckoning , democracy and secularism are the greatest impediment in establishing a theocracy.

The state of Jammu & Kashmir in India has been witnessing this phenomenon for nearly three decades now. Many respectable and popular political leaders have been assassinated. In this mayhem a popular Kashmiri religious leader representing moderate Islam incorporating local Kashmiri traditions, Mirwaiz Maulvi Farooq was not spared and was mercilessly assassinated at his residence in Srinagar, the summer capital of J&K state. The journalists have been targeted equally. The process of silencing the journalists and muzzling the press started with the brutal killing of Lassa Kaul, Director, Kashmir Television on 19 February 1990, for daring to continue the station's telecasts despite the militant threat. His slaying led to the closure of Srinagar Doordarshan production facilities for three years. Terrorists would periodically fire rockets at radio and television stations in Srinagar. P.N.Handoo, Assistant Director and Syed Ghulam Nabi, Joint Director in State Information Department were gunned down on 1 March 1990 and 30 October 1992 respectively. In December 1993 S.P.Singh, station engineer at Srinagar Doordarshan was killed and S.P.Bajad, a Director in Radio Kashmir was severely injured in separate terror attacks.

As a result of their terror campaign against the non-Muslim minorities in Kashmir which started in late 1989, all non-Muslim media persons and reporters working for the local, national and international newspapers were forced to leave the Valley. Now the militant and separatist groups began controlling the local media by issuing threats, circulation bans and forced closures to coerce the local newspapers to publish their statements on a routine basis. On 31 March 1992 George Joseph, Srinagar correspondent of the Indian Express , who had stayed put, was ordered by the Hizb-ul-Mujahideen to leave the Valley within 48 hours. On 2 October 1990 a powerful bomb blast was made at the office of leading local Urdu daily newspaper Srinagar Times. Mohammad Shaban Vakil, Editor-in-Chief of Al Safa newspaper was shot dead by the militants on 23 April 1991 at his Srinagar office, for his muted criticism of the militant activities. Ghulam Hassan Zia, Assistant Director of Radio Kashmir was kidnapped by members of Al-Inquilab Mujahideen on 7 March 1992. He remained in their captivity till 26 May 1992. On 17 June 1993 the Jamiat-ul-Mujahideen asked for the resignation of news readers and analysts working for Radio Kashmir and Doordarshan television. Mohammad Shafi Bhat of Radio Kashmir was shot dead on 2 October 1993 by members of the Jamiat-ul-Mujahideen for not heeding their call. On 29 August 1994 Ghulam Mohammad Lone, a freelancer and his 7 year old son were shot dead in their home in Kangan by masked gunmen. Other Kashmiri journalists who were brutally killed by the terrorists include Mushtaq Ali, press photographer (on 10 September 1995), Sheikh Ghulam Rasool Azad, Editor, Saffron Times (in June 1996), Farooq Ahmed Faktoo, newscaster Doordarshan, Srinagar (on 1 June 1997) , Saidan Shafi, freelance journalist (on 16 March 1997) , Tariq Ahmad, private television producer (on 8 April 1997) and Shujaat Bukhari, editor-in-chief of Rising Kashmir (on 14 June 2018). The objective has been to silence the press and coerce it to follow the diktats of the militant and separatist groups and not to allow the expression of free opinion.

At the same time local press in Kashmir saw a mushrooming of new publications after 1990 including the English dailies Greater Kashmir, Rising Kashmir, Mirror, most of them projecting a local viewpoint. Militant groups would coerce the local newspapers to reproduce their statements failing which they were subjected to threats, ban orders and physical attacks. In early October 1994 the Jamiat-ul-Mujahideen sealed the offices of two leading local newspapers Al Safa and Srinagar Times., for printing announcement of electoral roll revisions in the run-up to 1995 elections. The closure which lasted for two months, was lifted on 17 December 1994 only after the two newspapers carried identical statements of 'apology' for their action. Correspondents for the local, national and international press are drawn exclusively from the local Muslim community who are under immense ideological and political pressure and threat of militant separatist groups to project their views and activities in the press.

The latest dastardly assassination of a leading Kashmiri journalist Shujat Bukhari (aged 50 years) , Editor-in-Chief of one of the main local newspapers *Rising Kashmir* on 14 June 2018 in the holy month of Ramazan in broad daylight by three gunmen, has evoked strong condemnation from the civil society and politicians of different hues across the Valley and the country. Earlier in June 2006 Shujat Bukhari had survived similar attempt by the terrorists, following which he was provided with three armed security guards, all of whom were also gunned down. Shujat Bukhari was targeted because he was the popular and independent voice of Kashmir and a votary of peace process .

Shujat Bukhari was active in literary circles and was the President of Adbee Markaz Kamraz, the Valley's oldest and biggest cultural and literary body. He was at the forefront of a movement for promotion of Kashmiri language in schools. Shujat worked with UK based Conciliation Resources, an organisation working with people in conflict regions to prevent violence and build peace. He was murdered because the terrorists and their sponsors do not brook any independent voice and are working to change the societal and political composition of the Valley on Islamist fundamentalist lines. Shujaat is the most prominent Kashmiri to be assassinated in 15 years. The last targeted killing was of the pro-ceasefire Hizbul Mujahideen commander Abdul Majid Dar in March 2003, ten months after Abdul Gani Lone was shot dead , because he was advocating peace and reconciliation. Shujat's killing has sent shock waves across the Valley and is seen as a determined bid by the terrorists to silence the local, sane and independent voices of the people of Kashmir.

Another challenge which needs to be addressed is the rampant abuse of the freedom of expression and misuse of internet, social media/YouTube and broadcasting/telecasting media to spread hate, false propaganda and to mobilise people for violence and to create disorder. The local media is thriving with over 370 registered daily, bi-weekly, weekly, fortnightly, monthly and quarterly newspapers and magazines being published in English ,Urdu and other languages in Jammu and Kashmir. Whereas it is the clear evidence of the freedom of expression prevalent in Jammu and Kashmir, it may be pointed out that the armed militants often threaten the journalists to publish their statements and hate speeches thereby creating a serious law and order situation besides adversely influencing the social milieu. Local daily newspapers are asked by the militant organisations to stop their publications from time to time and on a number of occasions their offices were sealed for 'not giving due coverage to their statements'. Jammu and Kashmir has a large mobile subscriber base, it being one of the highest in India. According to Telecom Regulatory Authority of India (TRAI) data the overall tele-density in the State was 108.63 % , as on 31 March 2018. Besides, over 30 private satellite TV channels, mostly from Saudi Arabia and other Islamic countries, propagate bigotry and extremist Wahabi ideology causing irepairable damage to the indigenous tolerant and composite society and culture of Kashmir. This radical televangelism focuses on promoting extremism, separatism and jihadism. It needs to be recognized that this menace poses serious challenge to the unhindered freedom of opinion and expression and peace and security in Jammu and Kashmir.